

JP

STATE OF MARYLAND * CRIMINAL NO. C-10-CR-23-000543
VS * IN THE CIRCUIT COURT FOR
RUBEN HERNANDEZ LAINEZ * FREDERICK COUNTY, MARYLAND

**STATE'S ANSWER TO DEFENDANT'S DEMAND
FOR PARTICULARS**

COMES NOW the State of Maryland, by Tammy M. Leache, Assistant State's Attorney for Frederick County, Maryland, and hereby files the following response to the Defendant's Demand for Particulars and states as follows:

1. That the Defendant is not entitled to a Bill of Particulars as a matter of right.
2. That the purpose of a Bill of Particulars is to inform the Defendant of the charges against him so that he may prepare his defense and guard against surprise.
3. That a Bill of Particulars is not to be utilized for the purpose of requiring the State to elect a theory upon which it intends to proceed.
4. That the Bill of Particulars filed in the instant matter does in fact require the State to elect a legal theory upon which it intends to proceed.
5. That any other information requested in the Bill of Particulars has already been provided to the Defendant by way of Criminal Indictment and Discovery.
6. That it is well settled case law in the State of Maryland that if the State feels the Defendant's request for Bill of Particulars is not well grounded, it is under no obligation to furnish particulars.
7. That Rule 4-241 does not contemplate that the State particularize all of the evidence it may offer as requested in Defendant's Motion.

8. As to Defense's Demand for Particulars, Count One:

- a. The Defendant grabbed the victim by the wrist, pulled her into his bedroom, pushed her down on his bed, held her down with his arm across her chest and forcibly performed vaginal intercourse on her. He told her "you won't be saved."
- b. N/A.
- c. N/A.
- d. N/A.
- m. The victim did not sustain any physical injuries.

9. As to Defense's Demand for Particulars, Count Two:

- a. Count Two is a lesser included offense of Count One.
- b. The Defendant committed a battery against the victim.
- c. The Defendant grabbed the victim by the wrist, pulled her into his bedroom, pushed her down on his bed, held her down with his arm across her chest and forcibly performed vaginal intercourse on her. He told her "you won't be saved."

Tammy M. Leache /s/
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POINTS AND AUTHORITIES

Pearlman v. State 232 Md. 251, 192 A.2d 767 (1963), cert. denied, 376 U.S. 943 (1964)

Hadder v. State 238 Md. 341, 209 A.3d 70 (1965)

Grant v. State 55 Md. App. 1 (1983)

MD Rule 4-241

Tammy M. Leache /s/

TAMMY M. LEACHE

ASSISTANT STATE'S ATTORNEY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of June, 2023, a copy of the foregoing State's Answer to Defendant's Demand for Particulars was sent via MDEC, a bulk download link via evidence.com and/or Citrix, a secure file sharing service, to the designated e-mail address and/or service contact for Rachel Reyes, Attorney for Defendant.

Tammy M. Leache /s/

TAMMY M. LEACHE

ASSISTANT STATE'S ATTORNEY